

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD AND DEBORAH KEAL,

Plaintiffs,

v.

STATE OF WASHINGTON *et al.*,

Defendants.

Case No. C05-5737RJB

ORDER STAYING ACTION AND
LIMITING FURTHER FILINGS

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiffs are proceeding *in forma pauperis*. (Dkt. # 4). This action is becoming unnecessarily convoluted. The court is not chastising the parties for the filing of motions but rather wishes to impose some case management protocols to assure an orderly process.

On May 25th, 2006 Defendant Ellis moved to dismiss the amended complaint. (Dkt. # 134), On June 8th, 2006 Plaintiff's moved for an extension of time to answer that motion. (Dkt. # 136). On June 9th multiple other defendants represented by the Attorney General's Office filed a motion for judgment on the pleadings. (Dkt. # 137). On June 15th defendant Mallogue filed a motion to dismiss. (Dkt. # 139). On June 15th, Ms. Keal filed a declaration which has been mis-labeled as a affidavit to dismiss. (Dkt.# 140). The document is actually a complaint that the defendants cannot obtain certain evidence they are seeking. This filing is not a motion and will not be considered further. On June 19th, 2006 Mr. Keal filed a response to the first motion to dismiss. (Dkt. # 141,

(addressing 134)). This filing renders the first motion for an extension of time, (Dkt. # 136), moot. Mr. Keal also filed another motion for extension of time to respond to one of the remaining motions to dismiss. (Dkt. # 142). On June 23rd, 2006 Defendant Ellis filed a reply regarding her motion to dismiss. (Dkt. # 143). Her motion is now ripe for review. Defendant Mallogue on the 23rd of June filed two pleadings. The first pleading simple re-notes her motion to dismiss for July 14th 2006. The second pleading asks the court to deny Plaintiff's motion for an extension of time. (Dkt. # 144, 145). On June 28th, 2006 multiple defendants represented by the Attorney General's Office filed a motion asking that discovery be stayed until the motions to dismiss and motion for judgment on the pleadings are ruled on. (Dkt. # 146).

Thus, there are currently six outstanding motions that need to be ruled on before the case proceeds further. Only two of those motions, the original motion to dismiss filed by defendant Ellis, and Mr. Keal's motion for an extension of time to respond to the motion for judgment on the pleadings are actually ripe for review.

The court now ORDERS this action **STAYED**. The only filings that will be hereafter allowed are:

1. Plaintiff's response to the motion for judgement on the pleadings and Plaintiff's response to defendant Mallogue's motion to dismiss. Plaintiff's responsive brief should address both motions. The response will be due **July 21st, 2006. This grants plaintiff's motion for an extension of time. (Dkt. # 142).**
2. The defendant's reply to the response on the motion for judgment on the pleadings and Defendant Mallogues reply regarding her motion to dismiss. These replies will be due on or before **August 4th, 2006.** The court will consider the motion for judgment on the pleadings and the motion to dismiss filed by Defendant Mallogue on **August 11^h, 2006.**
3. This action is, in all other respects **STAYED** until the court issues a Report and Recommendation regarding the outstanding motions to dismiss. This grants defendants motion for a stay of discovery, (Dkt. # 146).
4. This **STAY** will lift on **August 11th, 2006.**

When the court issues a Report and Recommendation regarding a motion to dismiss t The time line for objections to that Report and Recommendation will be set forth in that Report and

1 Recommendation. The court will address defendant Ellis's motion as soon as possible.

2 The court does not usually consider any motion prior to the noting date. Review of this file
3 convinced the court that waiting until July 21st, 2006 to rule on the motion to stay discovery, (Dkt. #
4 146). would result in a situation where multiple other motions and cross motion would be filed and
5 the case would be overly cumbersome.

6 The clerk of court is directed to send copies of this order to plaintiffs and to counsel
7 representing the defendants, to remove Dockets number 136, 142, and 146 from the courts calendar.

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9 DATED this 30th day of June, 2006.

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11 /S/ J. Kelley Arnold
12 J. Kelley Arnold
13 United States Magistrate Judge
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